IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.312 OF 2006

Mr Pradeep M. Vakil ..Petitioner.

V/s

The State of Maharashtra & Anr...Respondent.

Mr. M.S. Mohite for the applicant.
Ms M.M. Deshmukh, APP for the State.
Mr. C.K. Pendse for the complainant.

CORAM: V.M. KANADE, J.

DATE: 4th May, 2006

P.C.

1. By this Petition, the petitioner who was an original accused in a complaint which is pending in the Court of Metropolitan Magistrate, 22nd Court, Andheri, seeks appropriate writ order and direction from this Court quashing the complaint and the charge-sheet which is filed against him in the said Court.

2. Parties have filed Minutes of the Order by consent which are taken on record and marked "X" for the purpose of identification. Parties have amicably settled the dispute and they do not have any claim against each other. Both the parties are present in Court.

3. The complaint was filed under section 379 of the Indian Penal Code which is a compoundable upto Rs 250/-. In any case, this Court while exercising its jurisdiction under section 482 can quash the complaint, it is satisfied that the parties have amicably settled the matter. In the present case, the FIR was lodged on 29/12/1988 in which it was alleged that the respondent No.2 is the owner of the garage "Rama Automobiles", whereas it is claimed by the petitioner that he is the owner of a Maruti Car which was given for repairs by his driver to respondent No.2. It is alleged that when the petitioner asked the garage owner to return the car, the car was not returned to him and, thereafter, the complaint was filed alleging that the vehicle was taken away from his garage.

4. Considering these facts, in my view, there is no impediment for this Court in quashing the complaint in view of the minutes of the order by consent which are filed in this Court.

5. In the result, the Criminal Writ Petition is allowed. The complaint which is filed on 29/12/1988 vide C.R. No. 477 of 1988 which is pending in the

Court of Metropolitan Magistrate, 22nd Andheri Court, Mumbai in CC No. 4713/P/05 is set aside. The charge-sheet is also quashed accordingly.

6. Criminal Writ Petition is disposed of in the above terms.

V.M. KANADE, J.